



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

February 4, 2011

Byron Holt
U.S. Fish and Wildlife Service
Northern Idaho Field Office
11103 East Montgomery Drive
Spokane, Wash. 99206

Re: STB Docket No. AB-6 (Sub No. 468X), BNSF Railway Company
Abandonment Exemption in Kootenai County, Idaho

Dear Mr. Holt:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is submitting its determination that the abandonment of 6.23 miles of rail line by BNSF Railway Company (BNSF) would not result in adverse impacts to the Bull trout (*Salvelinus confluentus*), a federally-listed threatened species, as requested in your email dated November 2, 2009. OEA is seeking your agreement with our determination.

On November 27, 2009, the Board served its decision granting BNSF's abandonment exemption with certain conditions. The Board's decision required, among others, that prior to the commencement of any salvage activities, BNSF consult with U.S. Fish and Wildlife Service (USFWS) to assess potential impacts to the Bull trout (*Salvelinus confluentus*), identify appropriate mitigation measures that may be warranted, and report the results of the USFWS consultations to OEA in writing prior to the onset of salvage operations.

In a letter dated May 5, 2010, BNSF forwarded an email response from your office stating that it was the responsibility of the federal agency to determine if the proposed action would affect the listed species or its habitat. Specifically, USFWS noted that "if the [f]ederal agency or their designated representative determines that the proposed action will not affect listed species or their habitat potentially present within the action area, then consultation with USFWS is not required." Moreover, USFWS noted that although the Bull trout is present in the Spokane River (in the vicinity of the proposed abandonment), the Spokane River has not been designated as critical habitat for the species.

Below, I have set forth our reasoning and rationale for our conclusion that the abandonment will not affect the Bull trout or its habitat.

Description of the Area

The Line extends approximately 6.23 miles between Milepost 6.1, at Post Falls, and Milepost 12.33, at Coeur d'Alene, in Kootenai County, ID. The right-of-way is generally between 60 feet and 200 feet in width and contains approximately 28 acres of federally granted right-of-way between Milepost 10.96 and Milepost 12.21.

Beginning at Milepost 6.1, the Line passes through approximately 1 mile of light industrial small warehouses and workshops. Continuing in an east-southeasterly direction, the Line passes new residential developments and additional light industrial and commercial properties, moving closer to the Spokane River, the Line turns more southerly. Beginning in City of Huetter, the Line closely parallels the Spokane River with new commercial and residential development growing along either side of the Line. Entering the City of Coeur d'Alene, the Line passes through an education corridor that includes Lewis-Clark State College, University of Idaho and North Idaho College before terminating at Mullan Drive. The railroad grade is relatively flat and the surrounding landscape is heavily wooded.

Description of the Action

The abandonment involves 6.23 miles of BNSF rail line from Milepost 6.10, near Post Falls, to Milepost 12.33, at Coeur d'Alene, in Kootenai County, ID (Line). According to BNSF, the portion of the Line between Milepost 6.10 and Milepost 8.66 would be retained by BNSF and reclassified as industrial track and used for storage of surplus rail cars. Salvage operations would begin at Milepost 8.66 and proceed down the Line to Milepost 12.33. The Line is located approximately 80 feet from the Spokane River except where the Line crosses a small creek on a bridge located (Milepost 9.93) at Post Falls, where the Line is approximately 40 feet from the Spokane River. The proposed abandonment would include the removal of the rails, ties and one bridge; however, railroad right-of-way, ballast, and culverts would remain in place.

The salvage process would begin with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way; the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) would be removed. Next, the wooden ties would be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties would then be separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

All culverts, ballast and right-of-way would remain intact so as not to alter the prevailing flow of water. BNSF's salvage contractors would be required to limit their activities to the width of the right-of-way. The salvage contractors would not place fills or other material in water bodies, including inland waterways. Additionally, BNSF would place a requirement in the salvage contract requiring the salvage contractor to utilize Best Management Practices (e.g., concrete highway jersey barriers) for sediment and erosion control to minimize potentially erodible materials and debris from entering the Spokane River and its tributaries. BNSF would also require the salvage contractor to report back in writing to BNSF explaining what measures

were used to for sediment and erosion control. In turn, BNSF would report the results of this communication back to OEA. Finally, all road crossings would be removed, then resurfaced with gravel, asphalt or concrete, as required by the local governing authority. Any railroad signals would also dismantled and removed.

Experienced rail material salvagers who are bonded and insured would perform BNSF's salvage work for this abandonment (as it is for all BNSF abandonments). The salvage contractor would be required to fully comply with all relevant federal, state, and tribal requirements, laws, ordinances, and regulations as they relate to salvage operations and disposal of salvaged materials. Completed work would be independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including Surface Transportation Board-imposed conditions.

OEA Conclusion

OEA has reviewed the project, additional new information and has determined that BNSF rail abandonment would not result in any adverse impacts to the federally-listed threatened Bull trout (*Salvelinus confluentus*). OEA reached this conclusion based on the following: 1) the Spokane River has not been designated as critical habitat for the federally listed Bull trout; 2) the salvage plan provided by BNSF provides sufficient guidance to the salvage contractor and protections that would be implemented; and 3) the scope of work associated with the rail salvage process is limited.

We ask that you concur with our determination and look forward to receiving your response in the near future. Please send your response (by mail or fax or email) to:

Troy Brady
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FAX: 202-245-0405 ATTN: Troy Brady
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If you have any questions or require additional information regarding this proceeding, please do not hesitate to call me or Troy Brady at (202) 245-0301.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis